

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUMIT GARG,

Defendant.

CASE NO. CR21-0045-JCC

ORDER

This matter comes before the Court on Defendant's *ex parte* motion for trial subpoenas. (Dkt. No. 841.) Trial is scheduled for March 11, 2024. (Dkt. No. 794.) Defendant moves for (a) an order that the Government produce contact information for Special Agents Yoshiko Marinko and John Wurster, who participated in the investigation of this case, and (b) to direct the Clerk to issue a subpoena to those agents for their appearance at trial in this matter. S. (Dkt. No. 841.) For the reasons explained herein, the Court GRANTS the motion.

"Upon a defendant's *ex parte* application, the court must order that a subpoena be issued for a named witness if the defendant shows an inability to pay the witness's fees and the necessity of the witness's presence for an adequate defense." Fed. R. Crim. P. 17(b). Defendant has made an adequate showing that he cannot pay the witnesses' fees. (*See* Dkt. No. 6 at 1.) In addition, the subject witnesses are self-evidently necessary for the presentation of an adequate

1 defense.¹ Indeed, agents Wurster and Marinko participated and testified before the grand jury
2 that eventually indicted Defendant on the pending charges. (*See generally* Dkt. Nos. 1, 386.)

3 Accordingly, the Court GRANTS Defendant's motion for subpoenas (Dkt. No. 841) and
4 ORDERS as follows:

5 1. The Government is ORDERED to advise Defendant where service should be effected
6 on the recipients no later than Friday, the 8th of March 2024. Defendant is then INSTRUCTED to
7 complete the subpoenas and return them to the Court for service.

8 2. The United States Marshals service is then ORDERED to promptly serve the
9 subpoenas at the addresses indicated by Defendant, under advisement by the Government, and
10 file the returns of service. The Court being satisfied that Defendant is unable to pay the fees and
11 costs for the production hereby ORDERS the Government to make payment and arrange for Mr.
12 Wurster's and Mr. Marinko's appearances at trial in this matter on March 11, 2024.

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15 DATED this 7th day of March 2024.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
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26 ¹ Agents Wurster and Marinko have been lead case agents on this case since its inception in
federal District Court. (Dkt. No. 1.)